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File No. B Civil Courts /45
Legal Department

B BRANCH

Subject:—

Governor's Bill No IX of 1945

" law to amend the Bombay Civil Courts Act, 1869

Amendment of ss 22, 22A, 23 and 24, 35 of Bom Act X of 1945.

4/1945

(E)

File No. B. Civil Courts (Amendment) /45

671 P

Office of the R.L.A.

A revised draft Bill is sent herewith.

2. Clause 8 of the Bill is drafted to stand by itself as a construction clause on the lines of section 18 of the Bombay General Cluases Act, 1904, and is confined to Indian laws relating to List II or List III of the Legislative Lists in the Government of India Act, 1935, A similar clause for construing all Indian laws relating to List I ought properly to be enacted by the Central Legislature but it is not necessary to secure that course in view of section 18 of the General Clauses Act, 1897, and also of the Fact that references in Central Acts (relating to List I) to the functionary "Subordinate Judge" are few and far between.

3. The Home Departmentwill no doubt attach a Statement to the Bill.

4. The subject-matter of the Bill falls under entry 1 in List II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not contain any provision repuganant to any existing Indian Law relating to any matter in the Concurrent Legislative List it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of Indian Act, 1935 , or paragraph (2) of the Proclamation. Under executive instruction the Bill requires the previous concurrence of the Governor General before enactment.

Id/- P.N.M.
11/11/44.

Remembrancer of Legal Affairs-

U.R. to H.D. No.7902,

dated the 11th November 1944.

JPE.13/7/56.4c.

No.2931
Legal Department,
Bombay Castle, 16th April 1945.

From
P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay;

To
The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Civil courts Act, 1869.

Sir,

With reference to your memorandum No.201(114), dated the 8th January 1945, addressed to the Home Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Civil Courts Act, 1869, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The subject-matter of the Bill falls under entry 1 in List II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not contain any provision repugnant to any existing Indian Law relating to any matter in the Concurrent Legislative List it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, or paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith on e spare copy of the Bill.

Yours obedient servant,

Id/- P.N.M.
14/4/45.

Secretary to the Government of
Bombay, Legal Department.

Through-
The Secretary to the Government of Bombay,
Home Department.

JPE.13/7/56,4c.

No.201(114).
Office of the Governor's Secretary,
Government House,

From
D.Symington, Esquire, C.I.E.,I.C.S.,
Secretary to the Governor of Bombay.

To
The Secretary to the Government,
Legal Department, Bombay.

Bombay 24th April 1945.

Subject:- A Bill to amend the Bombay Civil Courts Act, 1869.

Sir,

With reference to your letter No.2931, dated the 16th April 1945, I am directed to return herewith the copy of the Bill to amend the Bombay Civil Courts Act, 1869, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India aforesaid paragraph, His Excellency the Governor is pleased to decalre that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Sd/- ...

Secretary to the Governor of Bombay.

Copy to the Home Department for information.

JPE.13/7/56.4c.

Acts.

Publication of the Bombay Civil Courts(Amendment) Act, 1945.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.3325
Bombay Castle, 27th April 1945.

Letter to the Secretary to the Governor, No.2931, dated the 16th April 1945.

Letter from the Secretary to the Governor, No.201(114), dated the 24th April 1945.

"With reference to your letter No.2931, dated the 16th April 1945, I am directed to return herewith the copy of the Bill to amend Bombay Civil Courts Act, 1869, prepared by His Excellency the Governor under paragrah '2' of the -- Proclamation , dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to stated that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION:- The law should be published as Bombay Act No.X of 1945, in the Bombay Government Gazette, dated the 28th April 1945.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of B'bay,

Sd/- P.N.Moos,
Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a requrest that 15 gazette copies of the Act may be forwarded to the Legal Department),
The Home Department.
The Oriental Translator to Government,) with a
The Secretary to the Bombay Legislatige) copy of
Council.)
The Secretary to the Bombay Legislative)
Assembly.

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*With five extra copies.

JPE.13/7/56.4c.